IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 23666 of 2004

Between:

Y. Dayanandam, S/o. Yellaiah,
Hindu, LDC/RC, Northern Power Distributing Company, Andhra Pradesh.

H.No. 3-16-170, Plem, Hanamkonda, Warangal.

..... PETITIONER

AND

1 Superintending Engineer, Operation, NPDCL, Warangal.
2 Divisional Engineer, C &O, NPDCL, Mulug.
3 Divisional Engineer/ Engineers, NPDCL, Warangal
O/o. Corporate Office, Hanamakonda, Warangal District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly in the nature of WRIT OF MANDAMUS declaring the action of the 1st respondent herein awarding the punishment of "Continuing him at the lowest of the time scale for the next ten years besides treating the period of suspension as suspension limited to the subsistence allowance already paid" vide Memo No. SE/OP/WGL/ESTT/U/D.No.1839/2004 dated 20-10-2004 as arbitrary, illegal, unjut, contrary to law, violative of fundamental rights guaranteed under Article 14, 16, 21 and 300A of the Constitution of India and issue a consequential direction to set-aside the same.

Counsel for the Petitioner: MR.SIVALENKA RAMACHANDRA PRASAD

Counsel for the Respondent Nos.1 to 3: MR.S.RAVINDRANATH, STANDING COUNSEL

The Court at the stage of admission, made the following :

ORDER:

Challenging the memo No. SE/OP/WGL /ESTT/41/D.No.1839/2004 dated 20.10.2004 awarding the punishment of continuing the petitioner at the lowest of the time scale for the next ten years besides treating the period of suspension as suspension limited to the subsistence allowance already paid, the present writ petition is filed.

It is not disputed by the learned counsel appearing for both the parties that an appeal lies to an authority in accordance with the Rules.

Therefore, without entering into the merits of the case, the writ petition is disposed of with a direction to the petitioner to file an appeal before the appellate authority, within a period of two weeks from the date of receipt of a copy of this order. After filing of the appeal, the same shall be disposed of within fifteen days. Till then, status-quo obtaining as on today shall be maintained.

28.12.2004

bsv

TO

1 The Superintending Engineer, Operation, NPDCL, Warangal.
2 The Divisional Engineer, C &O, NPDCL, Mulug.
3 The Divisional Engineer/ Engineers, NPDCL, Warangal
O/o. Corporate Office, Hanamakonda, Warangal District.

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